BIBLIOTHECA BODLEIANA

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To avoid the intolerable Drudgery of giving full Satisfaction by a ſeveral Letter to every one that may Deſerve and Deſire it, the Rector of *Exeter* College hath taken this way to give an account of the unhappy Affair which hath drawn ſuch Clamors, as decry Him and his Aſſeſſors in behalf of one of the Fellows, who they ſay is Injuriouſly, or at leaſt too Severely Expelled.

The Statute.

QUOD ſi quis Scholarium vel Electorum Adulterij, Incontinentiæ &c. coram Rectore, Sub-Rectore, Decano, & quinque aliis Scholaribus maxime ſenioribus, vel majore parte eorundem, cum dicti Rectoris aſſenſu, legitime convictus fuerit, ipſum perpetuo excluſum & privatum ipſo facto a dicto Collegio, nulla alia monitione præmiſſa, virtute præſentis Statuti decernimus.

The Fact.

On New-years Night 1688, *Anne Aris* Daughter to a Bedmaker of the College was brought to bed of a Baſtard. Before the next *Michaelmaſs*, *Anne Sparrow* ſervant to another Bedmaker was delivered of another. *Anne Aris* laid her Child to *Ferdin. Smith Anne Sparrow*'s Maſter; who ſtoutly denied it, and fled to *Cornwal* about the end of *October*, furniſhed with Money by Mr. *Colmer* Fellow of the College. On the 26th of *January* Mr. *Colmer* went to *Cornwal*, where he took *Ferdin.* into his ſervice, and (*Aris*'s Child being dead) brought him home with him toward the later end of *April*, employed him in keeping his own and his friends Horſes, and every way cheriſhed him beyond what he had done before that Journey.

After a while *Anne Sparrow*'s belly ſpake her with Child, but ſhe obſtinately denied it, till within a few weeks before ſhe lay down. *Ferdin.* then vaunted that he had been wrongfully named Father to a Baſtard, but this he owned, and let no body trouble themſelves, he would maintain it.

This double ſcandal of two Baſtards within three quarters of a year, and the boaſts of a Servant (who being in *Cornwal* at the time when the later was begotten, muſt needs act in behalf of ſome conſiderable member of the College) obliged the Rector to wipe off ſo great a Blemiſh as this muſt caſt upon his Conduct, if neglected. And upon enquiry finding the guilt muſt light upon Mr. *Colmer* made him acquainted with what he heard: and finding him reſolved to ſtand upon his Juſtification, was for ſome weeks in great pain, between tenderneſs for a Perſon with whom he had held more familiarity than is uſual between the Head and a Junior Fellow of a College on one ſide, and his care for his Own and his College Repute on the other: and almoſt reſolved to make uſe of the pardoning Power wherewith the College Statutes entruſt him: but the Inſolence of Mr. *C*——'s friends, and the Admonitions of his Own, prevailed with him to bring it to the hearing of thoſe whom the Statute makes Judges in ſuch caſes. He therefore appointed a time, giving Mr. *C.* ſix days warning to provide for his Defence.

The Proceedings.

About half a year before *Anne Sparrow* was brought to Bed, and none thought of her being with Child, *Joice Aris* told Mr. *Crabb* and ſome others, that ſhe wondered what ailed *A. S.* for ſhe heard her curſe Mr. *C.* ſaying ſhe had reaſon to curſe him for he had undone her: and in that anger refuſed to go for Wine for him: Before *A. S.* was delivered ſhe refuſed for ſome weeks to do any work, whereof *Thomaſin* her Dame, *Ferdin*'s wife, complained to the Rector's Wife, and afterward told her ſhe was paid for keeping her.

The Coll. Cook being Overſeer of the Poor of his Pariſh came to the Rector's Wife (in the Rector's abſence) asking if without offence to her (whom he knew a friend to *Thomaſin*) he might put *A. S.* into the hands of a Juſtice ſo to ſecure his pariſh from charge of the Baſtard; ſhe readily conſented, and the next day asked him what he had done? he winking and ſmiling ſaid he was ſatisfied, for he had gotten Security.

When ſhe was delivered, the Rector asked the Cook what ſecurity he had; he ſhewed *Ferdin*'s Bond of Forty pounds, the Rector blamed him as falſe to his Truſt, in taking Bond from one that could not ſecure the pariſh from his own children; the Cook anſwered he had better Security and ſhould not have accepted this, if he had not been bid to do it by one that ſaid the pariſh ſhould not be damnified.

The Midwife ſaid that when ſhe preſſed *A. S.* to name the true Father, *Thomaſin* perſwaded her not to urge her any more, for (ſaid ſhe) ſhe hath told me already.

The Rector ſurpriſed *Thomaſin* before ſhe had been inſtructed, and upon examination ſhe acknowledged that ſhe had been paid ſeveral weeks for keeping *A. S.* before ſhe was brought to bed, that ſhe had the Money of her Husband, and he of Mr. *C.* that *A. S.* had named Mr. *C.* for Father, and her ſelf had hindered the Midwife from examining her, becauſe ſhe was loath to have him diſgraced before the company that were then in place.

He then alſo ſurpriſed *Ferdin.* with whom in his ſtudy he had this Dialogue. *R.* What mean you to Father a Baſtard that cannot be your own? *F.* The ſame Man which is father of this, was father of the other. *R.* And are not you a ſweet Fool to do ſuch ſervice for one that did you ſuch an injury, and would have done the ſame now if you had not been out of the Country? *F.* I do not know that this Gentleman perſwaded the other Wench to do me that wrong. *R.* That would have undone you if I had thought you guilty. You know the Sub-Rector in my abſence baniſhed you the College for That, and I ſhall do it for This, if you tell me not what I ask you. *F.* The Wench hath named the Father. *R.* I know it, for your Wife hath already told it: But the Queſtion to which I muſt have your Anſwer is this, Who gave you the Money which you paid your Wife for keeping *Anne* before ſhe was brought to bed, when ſhe could not or would not work? *F.* It was mine own money which I earned by keeping Horſes. *R.* We all know that you are ſo far from having Money to ſpare for keeping ſuch a Wench, that you have not wherewith to keep your ſelf, for it is your Wife that maintaineth you: nor hath ſhe or your children ever had ſo much of you as ſhe hath had for keeping this Wench. *F.* The Wench hath been chargeable but one week. *R.* That's falſe, ſhe hath been ſo many weeks: and if you refuſe to anſwer what I ask you when my credit and the credit of my College is ſo much concerned, you ſhall have no place in it. *F.* I know I have alway been obliged by you, I beſeech you excuſe me, I ſhall be undone. *R.* If the loſs of your place will undo you, you ſhall be undone unleſs you anſwer me. *F.* A Gentleman will be Expelled

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and I ſhall loſe my Friends. *R.* Your Friends will all be loſt if you loſe your place; conſider your own intereſt, and not a man's that hath ſo much abuſed you: *F.* I pray give me 3 or 4 days time. *R.* To what purpoſe? *F.* To ſpeak with my Friend? *R.* What, to frame a lye? if you mean to ſpeak truth, you need no further time. *F.* But till to morrow morning. After many words the Rector requiring a preſent anſwer and *Ferdin.* praying time. *Ferdin.* went away and the next morning came, with his firſt anſwer, That he paid his Wife with his own Money.

A. S. was removed from the houſe where ſhe lay in, and Mr. *C.* denied not (what after clearly appeared) that it was done by his Friends. This was equivalent to a Man's flying when named for Father of a Baſtard; and ſince it appeared to be done to avoid her examination, was taken for no leſs evidence than if ſhe had ſworn what ſhe ſaid. Upon theſe Evidences and after ſix days warning the matter was brought to Hearing.

The Conviction.

That Mr. *C.* offered Money or Rudeneſs to other young Women (though then teſtified) is not now inſiſted on, becauſe it will not amount to ſuch Incontinence as deſerves Expulſion.

What *Joice* ſaid concerning *Anne*'s Curſing Mr. *C.* before ſhe appeared to be with Child (which was confirmed by Mr. *Crabb* to whom ſhe then told it) this compared with *Anne*'s naming him for the Father, appeared ſuch a concurſe as could not but be true, though either of them ſingle were never ſo doubtful. The Cook was abſent attending the Mayor, the Rector told what he had ſaid, (and he ſtill averreth it) that Mr. *C.* bid him take *Ferdin*'s Bond, and the Pariſh ſhould not be damnified.

Thomaſin began with a ſurpriſing Preface, Sr. *I muſt now tell you what I never told you yet; Anne* ſaith, *That Mr. C. never touched her*: at which words the Rector ſaid he muſt expect no truth from her, and then took his voluntary Oath of what ſhe had told him before.

Ferdin. denied nothing of the Dialogue abovecited, and being preſſed by the Aſſeſſors to tell who that Friend was whom he muſt ſpeak with before he would anſwer the Rector's queſtion, becauſe if he refuſed to do it, it muſt lye upon Mr. *C.* at laſt after much tergiverſation, he ſaid his Wife was the Friend, though he had acknowledged it was a Gentleman that muſt be Expelled.

In Mr. Colmer's *Defence.*

To take off the Cook's Teſtimony it was alledged, that what he ſpake was publickly in the preſence of three whom he named, and all of them were known to be his faſt Friends.

Two of them took their voluntary Oaths that *Ann* had cleared Mr. *C.* and ſaid, that Goodwife *Roberts* perſwaded her to name him. But *Anne* was known to be ſcarce half witted, and the Proverb which ſaith *Children and fools ſpeak Truth*, is to be underſtood of what they ſpeak of their own accord, but when they are in other folks conduct, then they ſpeak as they are prompted; and therefore this was not thought of weight ſufficient to anſwer other Evidences, eſpecially becauſe ſhe ought to have been produced to ſpeak it her ſelf.

So that Mr. *C.* was found guilty by ſo many; that the Rector (who was to ſpeak laſt) could not but declare him Convicted, and conſequently Expelled.

The Confirmation.

Himſelf afterward acknowledged more than once, that he could not blame his Judges, for that himſelf upon the ſame Evidences muſt have judged any other Perſon guilty, but the Witneſſes were &c.

Had he continued in that mind his Diſgrace had been the leſs, but ſince he took encouragement from ſome that he taketh for his Friends to uſe his College as rudely as [illegible] Women, the Rector in his own Defence found it neceſſary to ſeek ſuch other Proofs as might baffle all objections.

The greateſt Objection is, That he ought not to be taken for *lawfully Convicted*, without Witneſs upon Oath; This, though it hold not in College-Affairs, where the Governour hath no power to adminiſter an Oath, or compel any that is no member of his Body ſo much as to ſpeak; yet (to avoid cavils) the Rector laboured to have Teſtimony upon Oath.

Ferdin. and *Thomaſin* who having been Agents muſt be principal Witneſſes ſaid peremtorily *they would not ſwear*. He went to Alderman *Fyfield*, if by any means he might learn from him, where *Anne* was. From him he learned that he had been with her and taken her examination, wherein ſhe freed Mr. *C.* and ſaid ſhe had lain with a Gentleman of *Chriſt Church* and another of *Braſen Noſe*, but what their Names were, ſhe knew not, nor did himſelf know what Houſe ſhe then lodged in when he examined her.

☞ This Alderman is a Juſtice of Peace, a Mercer, Mr. *C*'s Friends and their Pupils are his Cuſtomers: he debaſeth his Office ſo low as to go to the (Hutt rather than) Houſe of one of the moſt profligate Rogues in the Town, to examine (without Oath) a poor Whore, upon whom he executed not the Law, nor took any courſe to ſecure the Pariſh, but left her where he found her, without naming any Father, and refuſed to make known her hiding Place, that the Pariſh and College might be righted.

Then the Rector (comparing together Probabilities) thought fit to have *Anne Aris* examined.

Mr. *C.* told the Rector's Wife that he had given *Ferdin.* Forty ſhillings when (upon *Anne Aris*'s laying her Great-belly to him) he fled to *Cornwal*, whereupon ſhe then merrily told him, *ſhe believed him to be the Father of that Child.*

Ferdin. ſaid that the ſame man was Father of both the Children. Mr. *C*'s extraordinary kindneſs to *Ferdin.* was obſerved to have began about That time. *A. Aris* before ſhe was known to be with Child had told ſome young men, that Mr. *C.* had tempted her as ſhe was rubbing his Chamber. Upon theſe Suſpicions a Warrant is obtained from Sr. *William Walker*, and *A. Aris* brought before him; where upon Oath ſhe confeſſed that *Ferdin.* had had Carnal knowledge of her Body three times, and Mr. *C.* twice.

About the ſame time, by a fortuitous concurſe able to convince an Epicurean: *A. S.* was met with: The Rector had cauſed the Town to be ſearched for her, thereupon ſhe was conveyed to the great living Foreſt. The firſt morning after ſhe was lodged there, looking out at a Window ſhe eſpied one of the College, and with joy called to him, and freely anſwered whatever he asked of her: He ſending notice hereof to the Rector, was by him directed to have her examined upon Oath by ſome Juſtice of Peace; before this direction came ſhe was removed; but after much endeavour, was found, and examined upon Oath: ſhe ſwore that ſhe never carnally knew any man but Mr. *C.* and what ſhe ſaid to Alderman *Fyfield* concerning a Gentleman of *Chriſt Church*, was upon Mr. *C*'s and Mr. *M*'s perſwaſions, who told her that if ſhe accuſed Mr. *C.* he muſt be Expelled, but no one ever perſwaded her to accuſe Mr. *C.*

That all this and more is true, the Rector is ready to prove, challengeth any one that pleaſe to put him to a capacity to do it by bringing an Action of Slander againſt him, and in conformity to the Law againſt Libels ſubſcribeth his Name.

ARTHUR BURY.

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